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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

| | | |
|---------------------------|---|------------------------------------|
| UNITED STATES OF AMERICA, |) | No. CR-12-00495 SBA |
| |) | |
| Plaintiff, |) | |
| |) | STIPULATED REQUEST TO CONTINUE |
| v. |) | HEARING DATE TO SEPTEMBER 28, 2012 |
| |) | AND TO EXCLUDE TIME UNDER THE |
| MARCEL J. ALLEY, et al., |) | SPEEDY TRIAL ACT |
| |) | |
| Defendants. |) | Date: August 30, 2012 |
| |) | Time: 9:30 a.m. |
| |) | Court: Hon. Kandis A. Westmore |
| |) | |

The above-captioned matter is set on August 30, 2012 before this Court for a status hearing. The parties request that the Court continue the hearing to September 28, 2012 at 9:30 a.m. The parties further request that the Court exclude time under the Speedy Trial Act between August 30, 2012 and September 28, 2012 in light of (1) the need for defense counsel to review discovery produced by the United States, to discuss the evidence with their respective clients, and to investigate this matter, and (2) defense counsels' other scheduled case commitments during that time period.

The remaining 14 defendants, along with 31 co-defendants, were charged in a 28-count indictment with (1) conspiracy to possess with the intent to distribute and to distribute heroin and cocaine, in violation of Title 21, United States Code, Sections 846, 841(a)(1), 841(b)(1)(B)(i),

1 and 841(b)(1)(C); (2) possession with intent to distribute, and distribution of, heroin and cocaine,
2 in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C); and (3)
3 possession with intent to distribute, and distribution of, heroin and cocaine within 1,000 feet of a
4 school, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C), and 860.
5 Since July 2012, eight defendants have agreed to plead guilty and have scheduled change of plea
6 and sentencing hearings. Nine defendants have not yet appeared in this case.

7 The United States has produced substantial discovery to defendants, including draft
8 linesheets from the wiretaps, recorded telephone calls from the wiretaps, recordings of controlled
9 purchases conducted by law enforcement, information regarding defendants' criminal histories
10 (including police reports related to prior arrests), and documents related to the authorization of
11 the wiretaps. Defense counsel need additional time to review the discovery that has been
12 produced, to discuss the evidence with their respective clients, and to investigate the matter.
13 Given these circumstances, the ends of justice served by excluding the period from August 30,
14 2012 to September 28, 2012 outweighs the best interest of the public and the defendants in a
15 speedy trial. 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv). Failure to grant the requested continuance

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would unreasonably deny defense counsel reasonable time necessary for effective preparation,
and would unreasonably deny defendants continuity of counsel, taking into account the exercise
of due diligence.

DATED: August 28, 2012

/s/
JAMES C. MANN
Assistant United States Attorney
Counsel for United States

/s/
JOHN MICHAEL RUNFOLA
Counsel for Jason Keith Barrett

/s/
PAUL F. DEMEESTER
Counsel for Ahmad Jamal Belton

/s/
ANGELA HANSEN
Counsel for Carles Lashuan Buie, II

/s/
GEORGE CLAUDE BOISSEAU
Counsel for Isaiah Luis Colon

/s/
MICHAEL STEPANIAN
Counsel for Manuel Colon, Jr.

/s/
GILBERT EISENBERG
Counsel for Juan Miguel Ellingberg

/s/
MARTHA ANN BOERSCH
Counsel for Dana Ray Houston

/s/
RICHARD B. MAZER
Counsel for Erik Andre Miles

/s/
BRENDAN MICHAEL HICKEY
Counsel for Eric Baronne Moore

/s/
JAMES PHILLIP VAUGHNS
Counsel for Romel Ontoria Patton

/s/
ROBERT WAGGENER
Counsel for Adrian Dewayne Walker

/s/
SUZANNE M. MORRIS
Counsel for Lenzy Jerome Wash

/s/
GARRICK SHERMAN LEW
Counsel for James Hampton Worthington,
Jr.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

| | | |
|---------------------------|---|------------------------------------|
| UNITED STATES OF AMERICA, |) | No. CR-12-00495 SBA |
| |) | |
| Plaintiff, |) | |
| |) | PROPOSED ORDER GRANTING |
| v. |) | STIPULATED REQUEST TO CONTINUE |
| |) | HEARING DATE TO SEPTEMBER 28, 2012 |
| MARCEL J. ALLEY, et al., |) | AND TO EXCLUDE TIME UNDER THE |
| |) | SPEEDY TRIAL ACT |
| Defendants. |) | |
| |) | Date: August 30, 2012 |
| |) | Time: 9:30 a.m. |
| |) | Court: Hon. Kandis A. Westmore |

The parties jointly requested that the status hearing in this matter be continued from August 30, 2012 to September 28, 2012, and that time be excluded under the Speedy Trial Act between those dates to allow for the effective preparation of counsel, taking into account the exercise of due diligence, and continuity of defense counsel.

The remaining 14 defendants, along with 31 co-defendants, were charged in a 28-count indictment with (1) conspiracy to possess with the intent to distribute and to distribute heroin and cocaine, in violation of Title 21, United States Code, Sections 846, 841(a)(1), 841(b)(1)(B)(i),

and 841(b)(1)(C); (2) possession with intent to distribute, and distribution of, heroin and cocaine, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C); and (3) possession with intent to distribute, and distribution of, heroin and cocaine within 1,000 feet of a school, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C), and 860. Since July 2012, eight defendants have agreed to plead guilty and have scheduled change of plea and sentencing hearings. Nine defendants have not yet appeared in this case.

The United States has produced substantial discovery to defendants, including draft linesheets from the wiretaps, recorded telephone calls from the wiretaps, recordings of controlled purchases conducted by law enforcement, information regarding defendants' criminal histories (including police reports related to prior arrests), and documents related to the authorization of the wiretaps. Defense counsel need additional time to review the discovery that has been produced, to discuss the evidence with their respective clients, and to investigate the matter.

The parties agree to an exclusion of time pursuant to the Speedy Trial Act (18 U.S.C. § 3161) from August 30, 2012 to September 28, 2012, in light of (1) the need for defense counsel to review discovery produced by the United States, to discuss the evidence with their respective clients, and to investigate this matter, and (2) defense counsels' other scheduled case commitments during that time period. The extension is not sought for delay. The parties agree the ends of justice served by granting the continuance outweigh the best interest of the public and the defendants in a speedy trial. For these stated reasons, the Court finds that the ends of justice served by granting the continuance outweigh the best interest of the public and the defendants in a speedy trial. Good cause appearing therefor, and pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv),

IT IS HEREBY ORDERED that the status hearing in this matter is continued from August 30, 2012 to September 28, 2012 at 9:30 a.m. before this Court, and that time between

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1 August 30, 2012 and September 28, 2012 is excluded under the Speedy Trial Act to allow for the
2 effective preparation of counsel, taking into account the exercise of due diligence, and continuity
3 of defense counsel.

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6 DATED: August 28, 2012


HON. KANDIS A. WESTMORE
United States Magistrate Judge